

# STATE OF CONNECTICUT

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 23, 2009



The Honorable Robert E. Burke  
First Selectman  
1 School Street  
Bethel, CT 06801

*Andrew*

Re: Modification of Solid Waste Transfer Station Permit to Operate to Include  
Universal Waste and Covered Electronic Devices  
Permit to Operate No. 0090654-PO

Dear First Selectman Burke:

In July of 2007, Governor Rell signed into law Public Act No. 07-189. This new law creates a mandatory recycling program for discarded covered electronic devices (e.g., desktop or personal computers, computer monitors, portable computers, CRT-based televisions and non-CRT-based televisions) that are generated by households in Connecticut. The law, now codified as sections 22a-629 through 640 of the Connecticut General Statutes, requires that each municipality provide *convenient and accessible locations* for the collection of covered electronic devices generated within its boundaries and required the Department of Environmental Protection (the "Department") to adopt regulations detailing how to comply with the law.

The Department worked with a variety of stakeholders in developing the regulations required by the new law, including representatives from the municipalities and regional recovery authorities. On September 22, 2009, the Department published the public notice for the adoption of the proposed electronic waste regulations. The public notice and proposed regulations are available for review and comment and can be found on the Department's website: [www.ct.gov/dep/cwp/view.asp?A=2586&Q=447414](http://www.ct.gov/dep/cwp/view.asp?A=2586&Q=447414). We encourage you to let us know if you have any questions or comments regarding the proposed regulations during this public comment period.

To implement the e-waste program, municipalities will need a place to collect the covered electronic devices. The Department recommends the collection of such electronics be at an existing municipal facility such as a recycling center or transfer station, but recognizes that the solid waste permit for your existing facility will need to be modified to authorize the collection of covered electronic devices and universal wastes. To facilitate this and as stated previously in the Department's letter to your municipality (dated November 25, 2008), the Department is modifying your municipality's Permit to Operate a Solid Waste Transfer Station to add the authority to collect covered electronic devices and universal wastes. The general conditions applicable to the management and handling of covered electronic devices and universal wastes are set forth in Attachment A to this letter.

In accordance with Section 22a-3a-5(d)(1) of the Regulations of Connecticut State Agencies, the municipality has the right to a hearing regarding the Department's intent to modify the existing permit. You have thirty (30) calendar days from the date of this letter to request, in writing, a hearing. If after thirty days no request is submitted, the modification will become effective immediately and such modification will provide you with the necessary authorization to collect any or all covered electronic devices.


A copy of this modification shall be kept at all times with your Permit to Operate a Solid Waste Transfer Station. The conditions of this modification supersede the conditions pertaining to the management of covered electronic devices and universal wastes of your facility's Permit to Operate a Solid Waste Transfer Station.

Please note that the municipality is not required to begin the collection of covered electronic devices or to contract with a Certified Electronic Recycler for the recycling of such devices until the Department has adopted the regulations. The Department will publish a list of Certified Electronic Recyclers within ninety (90) days after the adoption of regulations.

Lastly, as you may know, under this program it is the electronic producer's (i.e., manufacturer's) responsibility to pay for the cost of pick-up and the recycling of the covered electronic devices from your transfer station at no cost to your town and this modification of your permit will allow you to readily implement this new program and meet the requirements of the law.

Please feel free to contact Lauren Kostiuk of my staff at (860) 424-3155 should you have any questions about the modification of your permit or the process.

Sincerely,

  
Yvonne Bolton, Chief  
Bureau of Materials Management and Compliance Assurance

**Attachment A**  
**Modification of Permit to Operate a Solid Waste Transfer Station**  
**For Covered Electronic Devices and Universal Wastes**

The management of covered electronic devices and universal wastes shall be performed in accordance with the following terms and conditions.

**A. Definitions**

As used in this permit modification, the following definitions apply:

1. “Covered Electronic Device” or “CED” means desktop or personal computers, computer monitors, portable computers, CRT-based televisions and non-CRT-based televisions or any other similar or peripheral electronic device specified in regulations adopted pursuant to CGS Section 22a-638, sold to consumers, but does not include: (A) An electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchise dealer, including replacement parts for use in a motor vehicle; (B) an electronic device that is functionally or physically part of a larger piece of equipment designed and intended for use in an industrial, commercial or medical setting, including diagnostic, monitoring or control equipment; (C) an electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier; (D) a telephone of any type unless they contain a video display area greater than four inches measured diagonally; or (E) any handheld device used to access commercial mobile radio service, as such service is defined in the Code of Federal Regulations in section 47 CFR 20.3.
2. “Universal Waste” as defined in Section 22a-449(c)-113 of the Regulations of Connecticut State Agencies (“RCSA”) incorporating 40 CFR 273 means the following hazardous wastes:
  - a. Batteries, including but not limited to, nickel-cadmium and small sealed lead-acid batteries;
  - b. Mercury-containing equipment;
  - c. Mercury-containing lamps that contain mercury in any amount. This includes but is not limited to: fluorescent, high intensity discharge, neon, high pressure sodium, mercury vapor and metal halide lamps; and
  - d. Used electronics.
3. “Used Electronics” incorporates the definition of used electronics as defined in Section 22a-449(c)-113 of the RCSA, means a device or component thereof that contains one or more circuit boards or cathode ray tubes that is used primarily for data transfer or storage, communications, or entertainment purposes, including but not limited to, desktop and laptop computers, computer peripherals, monitors, copying machines, scanners, printers, radios, televisions, camcorders, video cassette recorders (VCRs), compact disk players, MP3 players, telephones

including cellular and portable phones, and stereos. This includes any electronic device that is not included in the definition of a covered electronic device.

## **B. Storage Conditions**

### **1. Covered Electronic Devices**

- a. The storage of covered electronic devices shall not exceed ten thousand (10,000) kilograms or one hundred fifty (150) cubic yards of covered electronic devices from residential sources. Once the maximum storage volume is reached, the Permittee shall ensure that all containers or trailers are removed from the facility within two (2) business days. The Permittee is prohibited from disposing, diluting, treating, or disassembling covered electronic devices.
- b. Covered electronic devices shall be handled and stored in a manner that maintains the ability to reuse or recycle any such covered electronic devices or components thereof and managed in a way that prevents releases from any covered electronic device or components to the environment.
- c. All covered electronic devices shall be stored: separately from universal waste or used electronics; inside a locked building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, that is locked; and in a manner that prevents the covered electronic devices from being exposed to the environment. Each covered electronic device or container, package or pallet containing covered electronic devices shall be labeled or clearly marked with the phrase "Residential CEDs" or "Covered Electronic Devices".
- d. Any broken cathode ray tube(s) from a covered electronic device(s) shall be immediately cleaned up and placed in a container. Such container shall be: kept closed; structurally sound; compatible with the cathode ray tube(s); capable of preventing leakage, spillage or releases of broken cathode ray tubes, glass particles or other hazardous constituents from such broken tubes to the environment; and labeled or clearly marked with the phrase "Broken CRTs".
- e. The Permittee shall ensure that each employee who handles or has responsibility for managing covered electronic devices is informed of the proper handling and emergency procedures.
- f. The Permittee shall ensure that all releases from covered electronic devices, or residues from such wastes, are immediately contained. Other than inadvertent breakage of small quantities of covered electronic devices, the Permittee shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste

in accordance with all applicable requirements of Sections 22a-449(c)-100 to 110 of the RCSA, inclusive. The Permittee is considered the generator of the material resulting from the release, and shall manage it in accordance with Section 22a-449(c)-102 of the RCSA.

- g. The Permittee shall ensure that covered electronic devices are sent only to a facility that has a valid and effective permit issued by the commissioner authorizing the facility to store, treat or dispose of such waste, or to a person who handles such wastes in compliance with Section 22a-449(c)-113 of the RCSA and has been approved as a Certified Electronics Recycler pursuant to Section 22a-638-1 of the RCSA.
- h. The Permittee shall keep a record of each shipment of covered electronic devices sent from the facility for at least three (3) years from the date the waste was shipped off-site. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document and shall include: the name and address of the person to whom the waste was sent; the quantity of covered electronic devices sent; and the date the shipment left the transfer station.
- i. The Permittee shall ensure that all areas used to store covered electronic devices are inspected, at a minimum, on a weekly basis for the following:
  - i. The condition of the covered electronic devices or any container, package, trailer or building used for storage of such waste. If the covered electronic devices or a container or package storing such waste is not in good condition, the covered electronic devices shall be transferred to a container or package that is in good condition. Any deterioration or malfunction of trailers or buildings used to store such waste shall be repaired on a schedule which ensures that the problem does not lead to a release to the environment. If a hazard is imminent, repairs shall be made immediately. If a release from a container, package, trailer or building used to store such waste has occurred, remedial action shall be taken in accordance with the requirements in this permit for response to releases; and
  - ii. The marking or labeling of all covered electronic devices, or containers, packages, pallets, trailers or buildings used to store such waste, with identifying words as required by the waste specific requirements in this permit for marking and labeling wastes.

Inspections shall be recorded in a written inspection log that, at a minimum, includes: the date and time of the inspection; the name of the inspector; a notation of the observations made; and the date and nature of any repairs or other remedial actions. All inspection logs shall be kept at the facility for at least three (3) years from the date of inspection.

2. **Universal Waste Mixed Batteries, Mercury-Containing Lamps, Mercury-Containing Equipment, and Used Electronics**

The Permittee is prohibited from disposing, diluting, treating, or disassembling: mixed batteries; mercury-containing lamps; mercury-containing equipment or used electronics.

**General Management Requirements:**

- a. The Permittee may accumulate up to a total of five thousand (5,000) kilograms of all mixed batteries, mercury-containing lamps, mercury-containing equipment and used electronics from non-residential sources for no longer than one (1) year from the date such wastes were received.
- b. The Permittee shall be able to demonstrate the length of time that mixed batteries, mercury-containing lamps, mercury-containing equipment, or used electronics have been accumulated from the date such waste was received. This demonstration may be made by:
  - i. Marking or labeling the container with the earliest date that any waste in the container was received; or
  - ii. Marking or labeling each individual item of waste (e.g., each battery, lamp, mercury-containing device or used electronic) with the date it was received; or
  - iii. Placing the waste in a specific accumulation area and identifying the earliest date that any waste in the area was received; or
  - iv. Any other method which clearly demonstrates the length of time that the waste has been accumulated from the date it is received.
- c. The Permittee shall ensure that each employee who handles or has responsibility for managing mixed batteries, mercury-containing lamps, mercury-containing equipment or used electronics are informed of proper handling and emergency procedures appropriate to the type(s) of waste such employee handles or manages.
- d. The Permittee shall ensure that all releases from mixed batteries, mercury-containing lamps, mercury-containing equipment or used electronics, or residues from such wastes, shall be immediately contained. Other than inadvertent breakage of small quantities of mixed batteries, mercury-containing lamps, mercury-containing equipment or used electronics, the Permittee shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in accordance with all applicable requirements of Sections 22a-449(c)-100 to 119 of the RCSA, inclusive. The Permittee is considered the generator of the material resulting from the release, and shall manage it in accordance with Section 22a-449(c)-102 of the RCSA.

- e. The Permittee shall ensure that mixed batteries, mercury-containing lamps, mercury-containing equipment and used electronics are sent only to a facility which has a valid and effective permit issued by the commissioner authorizing the facility to store, treat or dispose of such waste; or a person who handles such wastes in compliance with Section 22a-449(c)-113 of the RCSA.
- f. If the mixed batteries, mercury-containing lamps, mercury-containing equipment or used electronics being offered for off-site transportation meets the definition of a hazardous material under the Department of Transportation regulations 49 CFR 171 to 180, inclusive, the Permittee shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable requirements.
- g. If the Permittee receives a shipment containing hazardous waste that is not a mixed battery, mercury-containing lamp, mercury-containing equipment or used electronic, the Permittee shall immediately notify the Department of the illegal shipment, and provide the name, address and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.
- h. The Permittee shall keep a record of each shipment of mixed batteries, mercury-containing lamps, mercury-containing equipment or used electronics received at the facility and shipped off-site for at least three (3) years from the date the waste was received. Such record may take the form of a log, invoice, manifest, bill of lading or other shipping document and shall include:
  - i. the name and address of the business from which the waste was received;
  - ii. the quantity of each type of waste received (e.g., batteries, lamps, mercury-containing equipment, used electronics); and
  - ii. the date the shipment was received or sent off-site.
- i. The Permittee shall ensure that all areas used to store mixed batteries, mercury-containing lamps, mercury-containing equipment or used electronics are inspected, at a minimum of a weekly basis, for the following:
  - i. The condition of the waste or any container, package, trailer or building used to store such waste. If the waste or container or package storing the waste is not in good condition, or begins to leak, the waste shall be transferred to a container or package that is in good condition. Any deterioration or malfunction of trailers or buildings used to store the waste shall be repaired on a schedule which ensures that the problem does not lead to a release to the environment. If a hazard is imminent, repairs shall be made immediately. If a release from a container, package, trailer or

building used to store the waste has occurred, remedial action shall be taken in accordance with the requirements in this permit for response to releases;

- ii. The marking or labeling of all waste, or containers, packages, pallets, trailers or buildings used to the waste, with identifying words as required by the waste specific requirements in this permit for marking and labeling wastes; and
- iii. The marking of all waste, or containers, packages, pallets, trailers or buildings used to store the waste, with the date upon which accumulation began, or maintenance of an inventory system or other accumulation tracking method as allowed by this permit.

Inspections shall be recorded in a written inspection log that, at a minimum, includes: the date and time of the inspection; the name of the inspector; a notation of the observations made; and the date and nature of any repairs or other remedial actions. All inspection logs shall be kept at the facility for at least three (3) years from the date of inspection.

#### **Waste Specific Management Requirements:**

- j. **Mixed batteries** shall be handled and stored in a way that prevents releases from any mixed battery or component thereof to the environment. The Permittee is authorized to perform the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed: (i) sorting batteries by type; (ii) mixing battery types in one container; and (iii) removing batteries from consumer products.

Container(s) of mixed batteries shall be: stored inside a locked building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, that is locked; kept closed; structurally sound; compatible with the contents of the battery; and shall lack evidence of leakage, spillage or damage that could cause leakage. Mixed batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Waste Battery(ies)", or "Used Battery(ies)"

Any battery that shows evidence of leakage, spillage or damage shall be immediately cleaned up and placed in a container. Such containers shall be: kept closed; structurally sound; compatible with the contents of the battery; and capable of preventing leakage, spillage or damage that could cause leakage or releases of hazardous constituents to the environment.



- k. **Mercury-containing lamps** shall be handled and stored in a way that prevents releases from any mercury-containing lamp or component thereof to the environment. All lamps shall be placed in containers or packages that are: kept closed; structurally sound; adequate to prevent breakage and are compatible with the contents of the lamps; stored inside a locked building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, that is locked; and stored in a manner that prevents the mercury-containing lamps from being exposed to the environment and capable of preventing leakage, spillage or damage that could cause leakage. Each mercury-containing lamp or container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Waste Lamp(s)", or "Used Lamp(s)".

Any lamp that shows evidence of breakage, leakage or damage shall be immediately cleaned up and placed in a container. Such containers shall be: kept closed; structurally sound; compatible with the contents of the lamps; capable of preventing leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment; and labeled or clearly marked with the phrase "Broken Lamp(s)". Broken lamps shall be recycled with the intact lamps.

- l. **Mercury-Containing Equipment** shall be handled and stored in a way that prevents releases from any mercury-containing equipment or any component thereof to the environment. All mercury-containing equipment shall be handed directly to the attendant and placed in the designated containers. Such containers shall be: kept closed; plastic, lined, leak proof sealable container; no more than five-gallon capacity; capable of preventing leakage, spillage or damage that could cause leakage; designed to prevent the escape of mercury into the environment by volatilization or any other means and stored in an area provided with secondary containment; and stored inside a locked building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, that is locked.

Containers used to store mercury-containing equipment shall be labeled or marked clearly with any of the following phrases: "Waste Mercury-Containing Equipment" or "Used Mercury-Containing Equipment".

The Permittee shall ensure that a mercury spill kit is kept in the collection area. Immediate steps shall be taken to contain and clean-up any spill.

- m. **Used Electronics** shall be handled and stored in a manner that maintains the ability to reuse or recycle and prevents releases of any components thereof to the environment. All used electronics shall be: stored separately from residential covered electronic devices; inside a locked building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, that is provided with a lock; and stored in a manner that prevents used electronics from being exposed to the environment. Each used electronic device or container, package or pallet containing used electronics shall be clearly labeled or marked with one of the following phrases: "Waste Used Electronics", or "Used Electronics".

Any broken cathode ray tube(s) from a used electronic device shall be immediately cleaned up and placed in a container. Such container shall be: kept closed; structurally sound; compatible with the cathode ray tube(s); and capable of preventing leakage, spillage or releases of broken cathode ray tubes, glass particles or other hazardous constituents from such broken cathode ray tubes to the environment.